(1) (4)

IN THE HIGH COURT OF JUDICATURE AT BI... (C.G.)

W.P.No. 1897 / 2004.

PETITIONER :- LAXMI NARAYAN AGRAWAL S/O LATE KANHAIYA Lal AGRAWAL aged ABOUT 74. YEARS. ADVOCATE & NOTARY, R/O TAMER PARA DURG. DISTRICT DURG (C.G.).

VERSUS.

RESPONDENTS :- 1.STATE OF CHHATTISGARH.

2.Secretary - Law and Legal Affairs Department, Office at D.K.Bhawan, Raipur (C.G.).

3. Deputy Secretary- Law and Legal Affairs Department offices, Situated at D.K.Bhawan Raipur (CG).

4. District Judge, District & Session Judge, Durg.(CG).

W.P. No. 1901 by ... Presented by Shri V. K. Mahajan ... dated ... 05.07.04 ...

RECEIVED COPY 5/7/04 Clerk to A.G. Bilaspur

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS PROHIBITION, CERCEORARY, DIRECTION/ DIRECTIONS, ORDER/ORDERS.

XI-HC-22

(45)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.1897/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	03.09.2004 Shri N.S. Dhurandhar, counsel for the petitioner. Shri N.K. Agrawal, Deputy Advocate General for the State/respondents No.1 to 3. On the last date of hearing, two weeks' time was allowed for filing of return, but no return has been filed. Therefore, I have heard learned counsel for the parties finally. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, questioning the legality, propriety and correctness of the order dated 19.05.2004 (Annexure A-1) passed by respondent No.3, whereby the petitioner's certificate to practice as public notary has been renewed for a period of three years instead of five years. Brief facts leading to filing of this petition are that the petitioner is practicing as Notary at Durg. As his tenure of the certificate to practice as notary was expiring, therefore, the petitioner moved an application before the respondent/State for renewal of the said certificate and vide order dated 24.08.2001 his certificate was renewed for a period of three years as per the old law and provisions of sub-Section (2) of Section 5 of the Notaries Act, 1952. Whereas, the said provision stood amended by the Act 36 of 1999, whereby the period of three years was amended to five years w.e.f. 17.12.1999. I have perused sub-Section (2) of Section 5 of the Notaries Act, 1952 which reads thus: - "The government appointing the notary, may, on receipt of an application and the prescribed fee, renew the	

(46)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.1897/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

certificate of practice of any notary for a period of five years at a time."

Therefore, in view of the above provisions the petitioner's certificate to practice as Notary ought to have been renewed for a period of five years.

In the circumstances, the petitioner's petition deserves to be allowed. Accordingly, the petition is allowed and the respondents are directed to renew the petitioner's certificate for practicing as Notary for a period of five years instead of three years with effect from the original date from which he was entitled for renewal of the certificate.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

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